

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

UNITED STATES OF AMERICA

Plaintiff,

V.

HOLYOKE WATER POWER COMPANY and
CITY OF HOLYOKE GAS & ELECTRIC
DEPARTMENT,

Defendants.

CIVIL ACTION NO. 04-30119-MAP

COMMONWEALTH OF MASSACHUSETTS

Plaintiff,

v.

HOLYOKE WATER POWER COMPANY and
CITY OF HOLYOKE GAS & ELECTRIC
DEPARTMENT,

Defendants.

CIVIL ACTION NO. 04-30120-MAP

PLAINTIFFS' UNOPPOSED MOTION TO ENTER CONSENT DECREE

Plaintiffs, the United States of America and the Commonwealth of Massachusetts, respectfully move this Court to sign and enter as a final judgment the Consent Decree which was lodged with this Court on June 22, 2004. The Consent Decree will resolve the liability of the Defendants, Holyoke Water Power Company and City of Holyoke Gas & Electric Department, to

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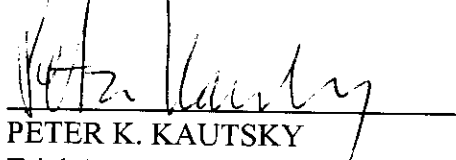
the United States and the Commonwealth of Massachusetts ("Commonwealth") for all claims asserted against those parties in these actions. The Defendants do not oppose the entry of the Consent Decree. Consent Decree ¶ 33. Pursuant to 28 C.F.R. § 50.7, Notice of the Consent Decree was published in the Federal Register on July 1, 2004. 69 Fed. Reg. 39965. The comment periods have ended and the United States and the Commonwealth have received no comments regarding the settlement.

For the reasons set forth in the accompanying Memorandum, the Consent Decree is fair, reasonable, consistent with the statutory scheme of the Comprehensive Environmental Response, Compensation and Liability Act, 42 U.S.C. §§ 9601 *et seq.*, and M.G.L. c. 21E and in the public interest. Therefore, and on the record of these actions, the United States and the Commonwealth respectfully request that this Court sign and enter the Consent Decree and direct the Clerk of the Court to enter the Consent Decree as a final judgment in Civil Actions 04-30119-MAP and 04-30120-MAP pursuant to the provisions of Fed. R. Civ. P. 58.

Respectfully submitted,

FOR THE UNITED STATES

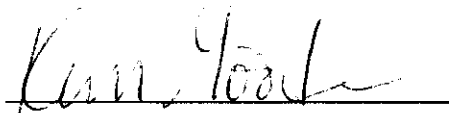
THOMAS L. SANSONETTI
Assistant Attorney General
Environment and Natural Resources Division

A handwritten signature in black ink, appearing to read "Peter K. Kautsky", is written over a horizontal line.

PETER K. KAUTSKY
Trial Attorney
Environmental Enforcement Section
Environment and Natural Resources Division
U.S. Department of Justice
Washington, D.C. 20530

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District of Massachusetts



KAREN GOODWIN

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FOR THE COMMONWEALTH OF MASSACHUSETTS

THOMAS F. REILLY

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MATTHEW BROCK

Assistant Attorney General
Commonwealth of Massachusetts
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Dated: November 4, 2004

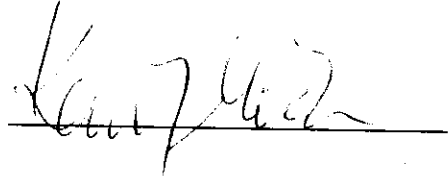
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CERTIFICATE OF SERVICE

I, Karen Goodwin, hereby certify that the foregoing was served, via first-class mail, this ___ day of November, 2004, on the persons listed below:

Linda T. Landis, Esq.
Holyoke Water Power Company
Public Service Company of New Hampshire
1000 Elm Street
Manchester, NH 03105

John J. Ferriter, Esquire
Ferriter & Ferriter LLC
150 Lower Westfield Road, Suite 100
Holyoke, MA 01040

A handwritten signature in black ink, appearing to read "Karen Goodwin", is written over a horizontal line.